

# DRAFT

## Article ## Zoning

Underline Text = Proposed new language

~~Strikethrough text~~ = Proposed language to be deleted

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 7.1 LOT SIZE** by amending the following language:

### 7.1 LOT SIZE

- 7.1.1 In District A and E, no single family dwelling or two (2) family dwelling shall be built on a lot with an area of less than 40,000 square feet ~~nor any two (2) family dwelling on a lot with an area of less than 80,000 square feet~~. Any lot lawfully laid out by plan or deed, duly recorded in the Barnstable Registry of Deeds prior to April 19, 1988, or shown on a subdivision of land approved by the Planning Board prior to April 19, 1988 which is not protected by the Eastham Zoning By-Law, Section 7 shall contain at least 20,000 square feet for a one (1) family dwelling and 30,000 square feet for a two (2) family dwelling, except for any lot lawfully laid out by plan or deed, duly recorded in the Barnstable Registry of Deeds between May 7, 1987 and April 18, 1988 or any subdivision of land approved by the Planning Board between May 7, 1987 and April 18, 1988 shall contain at least 30,000 square feet for a one (1) family dwelling and 45,000 square feet for a two (2) family dwelling. (See Section 7.1.2.1 below for applicable restrictions on two-family dwellings)
- 7.1.2 ~~In Districts A and E, a year round two family dwelling may be allowed on a lot containing 40,000 square feet or more after consideration under Site Plan Review Residential Section 11 of the Eastham Zoning By Laws, and further subject to the standards and conditions listed below:~~
- 7.1.2.1 All units within Two-family dwellings allowed under this by-law shall be rented and/or leased on a year-round basis ~~deed restricted requiring both units to remain affordable, as defined by the guidelines in paragraph c., below, unless one said unit(s) is/are owner occupied, said owner being a named individual or trustee on the Assessor's record. No unit shall be occupied until a recorded copy of said deed restriction is provided to the Building Inspector.~~ The requirements of this section shall not apply to lots protected under Section 7.1.1 of this bylaw.

A covenant with the Town of Eastham, in a form acceptable to the Town of Eastham shall be recorded at the Barnstable County Registry of Deeds, covenanting and guaranteeing that in the case of rental units, that the unit(s) will be rented and/or leased for a period of not less than twelve (12) consecutive months or in the case of owner occupied units that the unit(s) will be occupied by named individual(s) or trustee(s) as listed on the Town of Eastham's Assessing records. Copies of covenant documents shall be submitted to the Building Commissioner prior to any unit(s) being occupied.

~~7.1.2.2 All occupants of the rental dwelling unit shall upon initial application and annually thereafter, submit necessary documentation to confirm their eligibility for the dwelling unit. Specifically, all dwelling units must be rented to those meeting the guidelines for a low or moderate income family. For the purpose of this section, low income families shall have an income less than eighty (80) percent of the Town of Eastham median family income, and moderate income families shall have an income between eighty (80) and one hundred twenty (120) percent of the Town of Eastham median family income, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, and as may from time to time be amended.~~

~~7.1.2.3 Maximum rents shall be established in accordance with HUD Published Fair Market Rental Guidelines, and will be adjusted as necessary as such guidelines may be amended.~~

or take any action relative thereto.

By Eastham Planning Board

Summary:

*This proposed amendment will reduce the minimum lot size for two-family dwellings on lots created after 1988 from 80,000 sf to 40,000 sf. It will remove affordability deed restrictions to encourage creation of new units, creating more affordable options through increased supply. The amendment will require a covenant guaranteeing new units created under bylaw will remain year round rentals or owner occupied in exchange for less restrictive lot size requirements. The amendments will also remove mandatory site plan review requirement and default Planning Board review thresholds to those required for single family developments*

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMENDATION:

(Majority vote required)